

Message Text

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FM SECSTATE WASHDC

TO USMISSION OECD PARIS

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SUBJECT: U.S. COMMENTS ON EXCLUSION OF SMALL QUANTITIES OF
SPECIAL NUCLEAR MATERIAL FROM THE PARIS CONVENTION

1. FOLLOWING ARE THE COMMENTS OF THE UNITED STATES WITH
RESPECT TO ANNEX III TO SEN(73)13, EXCLUSION FROM THE PARIS
CONVENTION OF INSTALLATIONS HANDLING SMALL QUANTITIES OF
NUCLEAR MATERIALS WITH PARTICULAR REFERENCE TO PLUTONIUM.
COMMENTS SHOULD BE PRESENTED TO GROUP OF GOVERNMENTAL
EXPERTS ON THIRD PARTY LIABILITY IN THE FIELD OF NUCLEAR
ENERGY PRIOR OCTOBER 29.

2. THE REFERENCED REPORT RELATES TO THE LIABILITY ASSOCIATED
WITH DAMAGE TO PROPERTY FOLLOWING A RELEASE OF PLUTONIUM
DIOXIDE INTO A DENSE CONCENTRATION AREA AND ALSO LIABILITY
ARISING FROM INJURY TO PERSONS IN SUCH A SITUATION. WITH
RESPECT TO PROPERTY DAMAGE LIABILITY, SINCE ONLY LIMITED
ACCURACY IS REQUIRED FOR SUCH PREDICTIONS, IT APPEARS TO
US THAT THE VALUES USED TO ASSESS MATERIAL RELEASE,
DIFFUSION, DEPOSITION VELOCITY AND RELATED RADIO-
BIOLOGICAL CONSIDERATIONS ARE REASONABLE FOR THEIR
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INTENDED PURPOSE. NEVERTHELESS WE URGE THE GROUP OF

EXPERTS TO RECONSIDER THE CONCLUSIONS REACHED IN THIS PART OF THE REPORT FOR THE FOLLOWING REASONS. THE CONCLUSIONS RELATING TO PROPERTY DAMAGE IN OUR VIEW ARE UNREALISTIC SINCE THEY ARE BASED UPON ESTIMATES OF COST FOR DECONTAMINATION ABOVE LEVELS 10-5 MICROCURIES/CM² AND 10-6 MICROCURIES/CM² THAT ARE PRESCRIBED ONLY FOR SURFACE CONTAMINATION SITUATIONS RELATING EXCLUSIVELY TO STRUCTURES, EQUIPMENT AND PAVEMENTS. ACCORDINGLY, THE SURFACES THAT WERE CONSIDERED WERE ASSUMED TO BE SMOOTH, NON-RETENTIVE AND ROUGH. WITH THIS LIMITATION, COST ESTIMATES WERE DERIVED FOR THE DECONTAMINATION OF RESIDENTIAL AND BUSINESS DISTRICTS USING THE ABOVE SURFACE CONTAMINATION VALUES. IT IS SUBMITTED THAT SUCH COST ESTIMATES ARE INCOMPLETE SINCE THEY DO NOT APPEAR TO INCLUDE COSTS ASSOCIATED WITH THE DECONTAMINATION OF SOIL AND VEGETATION. THE COSTS FOR DECONTAMINATION OF THESE LATTER TWO ELEMENTS ARE VERY SUBSTANTIAL AND WOULD, IF TAKEN INTO ACCOUNT, SIGNIFICANTLY CHANGE THE ESTIMATED DOLLAR AMOUNTS. IT WOULD NOT SEEM LIKELY THAT THEY WOULD BE PROPERLY EXCLUDED FROM CONSIDERATION IN VIEW OF THE FACT THAT CONTAMINATION OF A CONCENTRATED AREA WOULD SURELY EMBRACE ALL OF THE ABOVE-MENTIONED SURFACES. BASED ON THIS, WE WOULD RECOMMEND THAT IN THE COST PROJECTION THE COMMITTEE SHOULD CONSIDER THAT THE AREA CONTAMINATED CONTAINS ONE-FIFTH SOIL AND VEGETATION AND MAKE AN ADJUSTMENT TO TAKE INTO ACCOUNT THE INCREASED COST OF DECONTAMINATION IN SUCH AREA.

3. WE WOULD ALSO URGE RECONSIDERATION OF THAT PART OF THE REPORT WHICH RELATED TO THE EFFECTS OF A RELEASE OF RESPIRABLE PLUTONIUM DIOXIDE ON PERSONS. IT IS NOTED THAT A DOSE EQUIVALENT (DE) STANDARD IS USED FOR THE LUNG AS A POINT ABOVE WHICH CLAIMS FOR INJURY WOULD BE ALLOWED. THE DOCUMENT STATES ON P. 24 THAT:

"IT WOULD NOT APPEAR UNREASONABLE, THEREFORE, TO TAKE THIS FIGURE AS AN UPPER LIMIT FOR THE MORBIDITY GROUP AND ASSUME THAT ALL SUCH PERSONS RECEIVING (FOR THE PURPOSE OF THIS STUDY) 15 REMS OR GREATER WILL RECEIVE AN AVERAGE COMPENSATION OF \$1000/PERSON."

4. WE BELIEVE THAT IT WOULD BE IMPRUDENT TO USE AN ARBITRARY UNCLASSIFIED

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STANDARD OF EXPOSURE TO DEFINE THE TERM "MORBIDITY CASES" SINCE IT SUGGESTS THAT EXPOSURES OF 15 REM TO THE LUNG ARE THE DIVIDING LINE BETWEEN WHAT IS SAFE AND UNSAFE TO HUMANS. THIS IS CONTRARY TO OUR EXPERIENCE IN THESE MATTERS. WE HAVE FOUND THAT THERE ARE A NUMBER OF CIRCUMSTANCES WHICH CONTRIBUTE TO THE DETERMINATION OF WHETHER THE PARTICULAR EXPOSURE WILL CAUSE INJURY AND THAT PERSONS RECEIVING 15 REMS OR EVEN MUCH MORE ARE OFTEN

NOT ADVERSELY AFFECTED. IT, THEREFORE, SEEMS TO US THAT
ESTABLISHMENT OF SUCH AN ARBITRARY DIVIDER IS UNWARRANTED.
IN ADDITION, IT MIGHT TEND TO ENCOURAGE PARTIES WHO ARE
EXPOSED TO THAT EXTENT, BUT WHO WERE NOT IN FACT INJURED,
TO FILE CLAIMS. MOREOVER, IT MIGHT GIVE RISE TO ASSUMP-
TIONS OF INJURY BY THE EXPOSED POPULACE, CAUSING
PSYCHOLOGICAL REACTIONS AND FEARS NOT SUPPORTED BY
THE ACTUAL PHYSICAL INJURY. KISSINGER

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